

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Mary Jessee,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10 C 2373
	)	
Collectcorp Corporation, a Delaware	)	
corporation,	)	
	)	
Defendant.	)	<u>Jury Demanded</u>

**COMPLAINT**

Plaintiff, Mary Jessee, brings this action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), for a finding that Defendant's debt collection actions violated the FDCPA, and to recover damages for Defendant's violation of the FDCPA, and alleges:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction pursuant to § 1692k(d) of the FDCPA, and 28 U.S.C. § 1331.
2. Venue is proper in this District because: a) part of the acts and transactions occurred here; and, b) Defendant resides and transacts business here.

**PARTIES**

3. Plaintiff, Mary Jessee ("Jessee"), is a citizen of the State of Pennsylvania from whom Defendant continued to attempt to collect a delinquent consumer debt allegedly owed for a Bank of America credit card, despite the fact that she had demanded, through the legal aid attorneys at the Chicago Legal Clinic's Legal

Advocates for Seniors and People with Disabilities program ("LASPD"), located in Chicago, Illinois, that Defendant cease its collection actions.

4. Defendant, Collectcorp Corporation ("Collectcorp"), is a Delaware corporation that acts as a debt collector, as defined by § 1692a of the FDCPA, because it regularly uses the mails and/or the telephone to collect, or attempt to collect, delinquent consumer debts. Collectcorp operates a nationwide delinquent debt collection business and attempts to collect debts from consumers in virtually every state, including consumers in the State of Illinois.

5. Defendant Collectcorp is licensed to conduct business in Illinois and maintains a registered agent here, see, record from the Illinois Secretary of State, attached as Exhibit A. In fact, Defendant Collectcorp does business in Illinois by collecting debts from thousands of Illinois consumers.

6. Defendant Collectcorp is licensed as a collection agency in Illinois, see, record from the Illinois Division of Professional Regulation, attached as Exhibit B. In fact, Defendant Collectcorp acts as a collection agency in Illinois.

### **FACTUAL ALLEGATIONS**

7. Ms. Jessee is a disabled woman with limited assets and income, who fell behind on paying her bills. When Defendant Collectcorp began trying to collect a Bank of America debt from Ms. Jessee, she sought the assistance of legal aid attorneys at the Chicago Legal Clinic's LASPD program, regarding her financial difficulties and Defendant Collectcorp's collection actions.

8. On January 25, 2010, one of Ms. Jessee's attorneys at LASPD informed Collectcorp, in writing, that Ms. Jessee was represented by counsel, and directed

Collectcorp to cease all further collection actions because Ms. Jessee was forced, by her financial circumstances, to refuse to pay her unsecured debt. Copies of this letter and fax confirmation are attached as Exhibit C.

9. Nonetheless, on March 19, 2010, Defendant Collectcorp sent Ms. Jessee a letter, demanding settlement of the Bank of America debt. A copy of this letter is attached as Exhibit D.

10. Accordingly, on March 29, 2010, one of Ms. Jessee's LASPD attorneys wrote Defendant Collectcorp, to again demand that it cease collection of the debt. Copies of this letter and fax confirmation are attached as Exhibit E.

11. Defendant Collectcorp's collection actions complained of herein occurred within one year of the date of this Complaint.

12. Defendant Collectcorp's collection communications are to be interpreted under the "unsophisticated consumer" standard. See, Gammon v. GC Services, Ltd. Partnership, 27 F.3d 1254, 1257 (7th Cir. 1994).

**Violation Of § 1692c(c) Of The FDCPA --  
Failure To Cease Collections**

13. Section 1692c(c) of the FDCPA prohibits a debt collector from continuing to demand payment of a debt that the consumer has indicated that they refuse to pay. See, 15 U.S.C. § 1692c(c).

14. Here, the letter from Ms. Jessee's agent, LASPD, told Defendant Collectcorp to cease collections, because Ms. Jessee refused to pay the debt (Exhibit C). By continuing to demand payment of this debt, despite Ms. Jessee's refusal to pay, Defendant Collectcorp violated § 1692c(c) of the FDCPA.

15. Defendant Collectcorp's violation of § 1692c(c) of the FDCPA renders it liable for statutory damages, costs, and reasonable attorneys' fees. See, 15 U.S.C. § 1692k.

### **PRAYER FOR RELIEF**

Plaintiff, Mary Jessee, prays that this Court:

1. Find that Defendant Collectcorp's debt collection actions violated the FDCPA;
2. Enter judgment in favor of Plaintiff, Jessee, and against Defendant Collectcorp, for statutory damages, costs, and reasonable attorneys' fees as provided by § 1692k(a) of the FDCPA; and,
3. Grant such further relief as deemed just.

### **JURY DEMAND**

Plaintiff, Mary Jessee, demands trial by jury.

Mary Jessee,

By: /s/ David J. Philipps  
One of Plaintiff's Attorneys

Dated: April 16, 2010

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